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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/637,211

08/08/2003

Peter J. Nashif

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EXAMINER

SUTHERS, DOUGLAS JOHN

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

01/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/637,211

**Applicant(s)**

NASHIF ET AL.

**Examiner**

Douglas J. Suthers

**Art Unit**

2614

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10 and 14-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2614.
2. Claims 10 and 14-23 remain pending and are addressed in this office action.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10, and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuhara (US 2003/0053638 A1) in view of Langer (US 2002/0102949 A1) and Mershon (US 6212282 B1).
5. Regarding claim 10, Yasuhara discloses an automotive multimedia entertainment system for an automotive vehicle having a plurality of audio output devices, the system comprising:

an audio system adapted to communicate with the plurality of audio output devices, the audio system having a first and second output channel (figure 9, channels of 91 and 92);

a headphone including controls (13, paragraph [0038]);

a wireless communication link for providing audio signals to the headphone (from 3 to 13);

a wireless communication link for providing a set of control signals to the audio system (from 14 to 3);

a set of front speakers (10) and a set of rear speakers(11), the sets of front and rear speakers being in communication with the audio system, the audio system having a switch with first and second modes, in the first mode the switch connecting the set of front speakers and the set of rear speakers to the first output channel (paragraph [0122]),

switching to a second mode where the set of rear speakers are deactivated, the switch beginning transmission of an audio signal from the second output channel to the headphone (paragraph [0122]),

and the front speakers continuing to receive audio signals from the first output channel (paragraph [0122]).

Yasuhara does not expressly disclose multiple controls being on the headphone a two way wireless link.

Langer discloses including controls (12), the controls adapted to configure an audio system; and

a two way wireless communication link (figure 2) providing audio signals to the headphone and providing a set of control signals to the audio system; and

wherein the headphone includes a power on control located on the headphones, the audio system identifying that the headphone are in use based on the signals sent over the two-way wireless communication link and switching to a second mode (paragraph [0017], jack 16 inserted powers on audio receiving circuitry and sends mute signal).

Mershon discloses wherein the controls are on the headset itself (figure 3, item 13), and wherein the headphone includes a power on control (column 3 line 54) located on the headphones and the headphone is adapted to automatically send signals to an audio system over the two-way wireless communication link when the power on control is activated (column 3, lines 46-57).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the headphone and controls of Langer and the placement of Mershon in the system of Yasuhara. The motivation for doing so would have been have fewer items in the vehicle that could get misplaced, broken, or take up space. Therefore, it would have been obvious to combine Langer and Mershon with Yasuhara to obtain the invention as specified in claim 10.

6. Regarding claim 14, Langer discloses wherein the headphone includes a transceiver (figure 2).

7. Regarding claim 15, Langer discloses wherein the transceiver is an infrared transceiver (paragraph [0010]).

8. Regarding claim 16, Langer discloses wherein the transceiver is a radio frequency transceiver (paragraph [0010]).

9. Regarding claim 17, Langer discloses the headphone embodied as a universal remote (paragraph [0009]). Although Langer does not expressly disclose ability to have multiple universal remote controls, the examiner takes official notice that the ability to have multiple remote controls was well known in the art. The motivation to do so would have been to allow for a control for each user needing to control the devices, and allowing for replacements in case of damage or loss. Therefore at the time of invention, it would have been obvious to one of ordinary skill in the art to further comprise at least one additional headphone including controls adapted to configure the audio system, each additional headphone adapted to communicate the set of control signals over the two-way communication link such that the set of control signals from the headphone are interchangeable with the set of control signals from the at least one additional headphone.

10. Regarding claim 18, Yasuhara discloses a method for controlling an automotive multimedia entertainment system comprising the steps:

transmitting a first audio signal (figure 1) from a first channel of an audio system to a set of front speakers (10) and a set of rear speakers (11);

transmitting a control signal over a wireless communication link to the audio system (from 14 to 3) when a power on control is activated;

deactivating the rear set of speakers (paragraph [0122]); and

transmitting a second audio signal from a second channel of the audio system over a wireless communication link to the headphone (paragraph [0122]), facilitating configuration of the second channel using controls (controls of remote), and continuing to provide audio signals from the first output channel based on the control signal.

Yasuhara does not expressly disclose multiple controls being on the headphone a two way wireless link.

Langer discloses transmitting a control signal (12) over a wireless communication link to the audio system (figure 2) the audio system identifying that the headphone are in use based on the signals sent over the two-way wireless communication line and switch to a second mode (paragraph [0017], jack 16 inserted powers on audio receiving circuitry and sends mute signal).

Mershon discloses wherein the controls are on the headset itself (figure 3, item 13) and the control signal comes from the headset (column 3 line 54).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the headphone and controls of Langer and the placement of Mershon in the system of Yasuhara. The motivation for doing so would have been have fewer items in the vehicle that could get misplaced, broken, or take up space.



Therefore, it would have been obvious to combine Langer and Mershon with Yasuhara to obtain the invention as specified in claim 18.

11. Regarding claim 19, Yasuhara discloses wherein the steps of deactivating of the rear set of speakers and transmitting the second audio signal to the headphone occur simultaneously (paragraph [0122]).

12. Regarding claim 20, Langer discloses further comprising the step of generating a control signal in response to a control mounted to the headphone (figure 2 item 22).

13. Regarding claim 21, Langer discloses wherein the step of deactivating the rear set of speakers and transmitting an audio signal to the headphones occurs automatically as the headphones are powered on (paragraph [0017], jack 16 inserted powers on audio receiving circuitry and sends mute signal).

14. Regarding claim 22, Langer discloses wherein the wireless communication link is an infrared wireless communication link (paragraph [0010]).

15. Regarding claim 23, Langer discloses wherein the wireless communication link is a radio frequency wireless communication link (paragraph [0010]).

***Response to Arguments***

16. Applicant's arguments filed September 15<sup>th</sup>, 2008 have been fully considered but they are not persuasive.

In general it is the examiner's opinion that the power switch of Mershon would turn on the rear system 3 and 88 of Yasuhara, thereby reading on the pending claims.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas J. Suthers whose telephone number is (571)272-0563. The examiner can normally be reached on Monday-Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas J Suthers/  
Examiner, Art Unit 2614

/Vivian Chin/  
Supervisory Patent Examiner, Art Unit 2614